

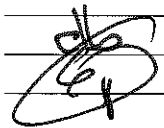
EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

An Ordinance amending the Comprehensive Plan map from 1.6 (Multiple Family) to 4.4 (Mixed Use Commercial) and rezoning vacant Lot 3, Olivia Park Division 1, Block 000 D-00, from R-3 (Multiple Family) to E-1 MUO (Evergreen Way-Mixed Use Overlay Zone) amending Ordinance No. 2021-94, and Ordinance No. 1671-89, as amended

7-18 Briefing
 _____ Proposed Action
 _____ Consent
 _____ Action
7-18 First Reading
7-25 Second Reading
8-1 Third Reading
8-1 Public Hearing
 _____ Budget Advisory

COUNCIL BILL # CB1207-28
 Originating Dept. Planning/Community Dev.
 Contact Person Dave Koenig
 Phone Number 425-257-8736
 FOR AGENDA OF 7-8-12, 7-25-12, 8-1-12

Initialed by:
 Department Head _____
 CAA _____
 Council President 

Location **Preceding Action** **Attachments** **Department(s) Approval**
 9th Ave W, South of
 100th St SW Ordinance Legal and Planning

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

One of two locations suggested for change to the new E-1 zoning along Evergreen Way. A vacant one acre property where the proposal is to amend the Comprehensive Plan designation from 1.3 (Multiple Family) to 4.4 (Mixed Use Commercial), and to change the zoning from R-1 (Single Family) to E-1 MOU (Evergreen Way – Mixed Use Overlay zone). City Council has been provided a staff report, correspondence and Planning Commission Minutes.

RECOMMENDATION (Exact action requested of Council):

Adopt an Ordinance amending the Comprehensive Plan map from 1.6 (Multiple Family) to 4.4 (Mixed Use Commercial) and rezoning vacant Lot 3, Olivia Park Division 1, Block 000 D-00, from R-3 (Multiple Family) to E-1 MUO (Evergreen Way-Mixed Use Overlay Zone) amending Ordinance No. 2021-94, and Ordinance No. 1671-89, as amended.

City Council Staff Report

Comprehensive Plan amendment and Rezone of the Scrupps property located south of 100th Street, east of 9th Avenue West.

A. Introduction:

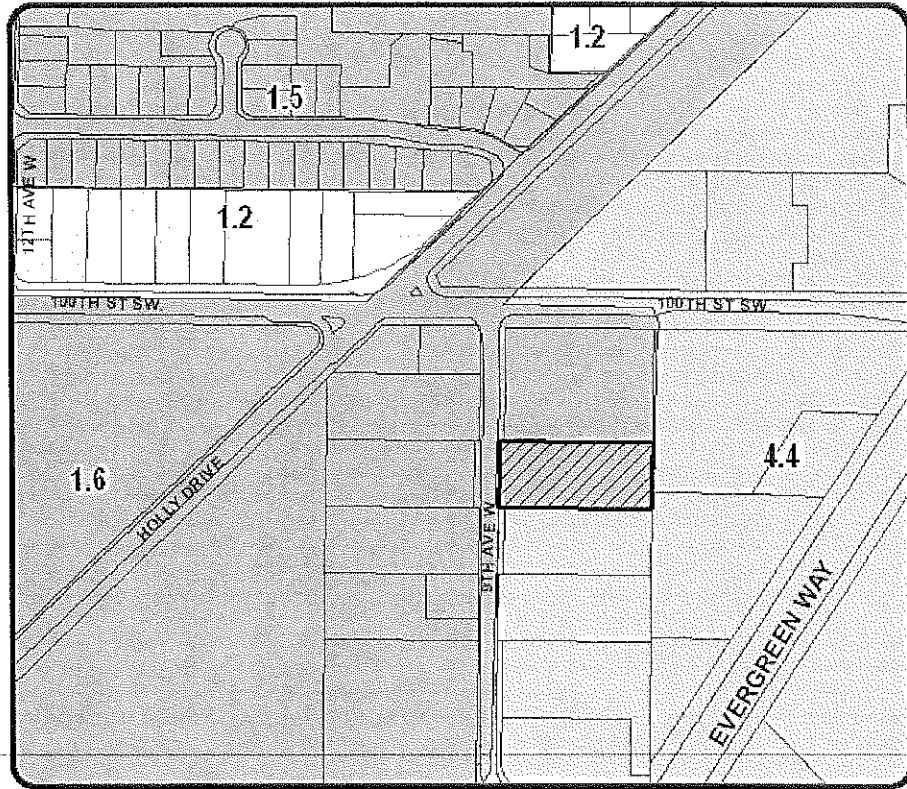
This vacant one acre property was included in the Evergreen Way revitalization area.

The proposal is to amend the Comprehensive Plan designation from 1.6 (Multiple Family) to 4.4 (Mixed Use Commercial), and to change the zone from R-3 (Single Family) to E-1 MUO (Evergreen Way zone).






B. Background:

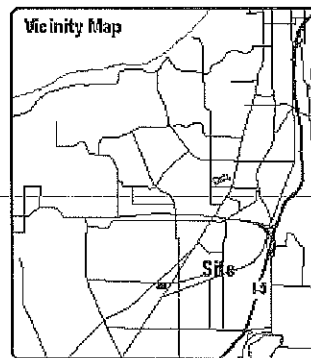
1. This is one of two locations suggested for change to the new E-1 zoning along Evergreen Way as a part of the Evergreen Way Plan process from existing zoning.
 2. The subject parcel was slated to become a storage facility, with an intent to rezone to C-1, approved by the City in 1999 and eventually voided due to the terms of the contract not being fulfilled.
 3. There has been no written correspondence regarding this proposal.
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Scrups
 Comprehensive Plan Change Related
 to Evergreen Way Plan
 1.6 (Multi-Family) to
 4.4 (Mixed Use Commercial, Multi-Family)

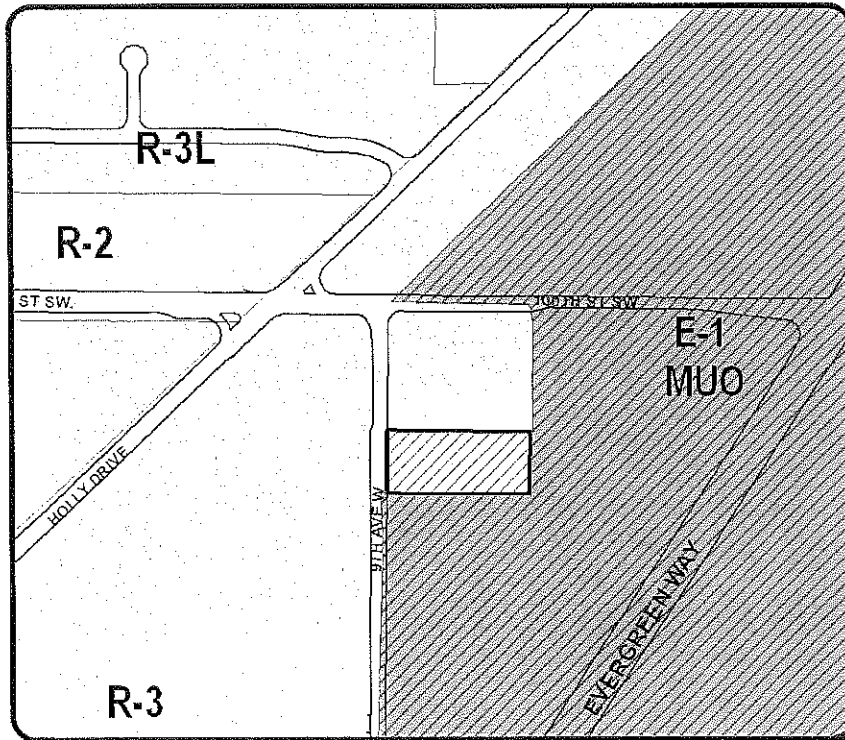


Legend:






-  Action Area
-  1.2 Single Family
-  2.1 Schools/Churches
-  1.6 Multiple Family, 20 - 29 DUA
-  4.4 Mixed Use Commercial Multi-Family

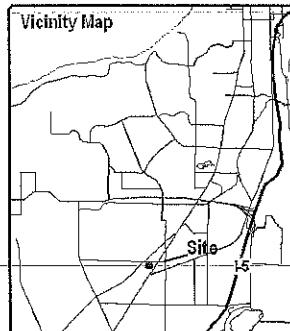


Scrapps
 Rezone Related to Evergreen Way Plan
 R-3 (Multiple Family) to
 E-1 MUO (Evergreen Mixed Use Overlay)



Legend:

-  Action Area
-  R-2 Single Family
-  R-2 Single Family Med. Density
-  R-3 Multiple Family Low Density
-  E-1MUO E-1 Mixed Use Overlay



s:\9\9\zone\5\10-2017\ScrappsRZ.mxd
 8/26/2011

C. Analysis:

Following is a review of the criteria listed in the Comprehensive Plan for use when considering map amendments and rezones:

1. *The requested action must be supported by the Comprehensive Plan.*

Response: This action is tied in with the land use policy and regulatory changes running the length of Evergreen Way to the south City limits, as a part of the Evergreen Way Revitalization Plan.

While this property is not adjacent to Evergreen Way, it is in the influence area, which is why it was included with the larger Plan. Specifically, the Land Use Element of the Comprehensive Plan identifies Evergreen Way as a mixed use corridor and the proposed change would support that role.

This action is best seen in the context of the policy changes taking place up and down this busy and important corridor. Under policy 2.1.7, "Promote high-density residential use in well designed, mixed commercial developments and activity centers such as downtown, near transportation facilities, and other appropriate locations where a mix of uses will promote a more efficient use of land and support of transportation facilities, and be made compatible with surrounding neighborhoods."

This site meets this policy Objective.

2. *Have circumstances changed?*

Response: Evergreen Way has become a seven lane, high volume corridor. Approved changes for land uses and zoning along both sides of the corridor will be carried out with the goal of improving the corridor and taking advantage of recent transportation and transit service improvements.

3. *Are there any erroneous assumptions or new information?*

Response: No.

4. *Will the change promote a more desirable land use pattern?*

Response: Yes. The need for more desirable land use patterns along the corridor is largely what is driving the changes.

5. *Should the proposed land use designation be applied to other properties in the vicinity? Would approval of this application constitute a granting of special privilege?*

Response: No. The other properties in this area are developed and this property was included in the larger revitalization Plan.

6. *What impacts might there be on other properties in the vicinity, could compatibility be assured?*

Response: Compatibility with the properties in the area is the intent of the proposed Evergreen Way Plan and zoning standards.

7. *Would the change of the land use designation pressure other properties in the vicinity to do the same?*

Staff response: Not in the short term. But if growth along Evergreen Way continues, at some point owners of properties west of 9th Avenue SW may also want convert to higher level uses.

D. Planning Commission Recommendation:

Planning Commission recommends approval of the proposal to amend the Comprehensive Plan map and the rezone to E-1 MUO (Evergreen Way) zone.

ORDINANCE NO. _____

**An Ordinance Amending The Comprehensive
Plan Map From 1.6 (Multiple Family) to 4.4
(Mixed Use Commercial) and Rezoning Vacant
Lot 3, Olivia Park Division 1, Block 000 D-00,
From R-3 (Multiple Family) to E-1 MUO
(Evergreen Way-Mixed Use Overlay Zone)
Amending Ordinance No 2021-94, And
Ordinance No. 1671-89, As Amended
The Scrupps Rezone**

WHEREAS, the City of Everett adopted a Comprehensive Plan in August, 1994, in conformance with the Washington State Growth Management Act, and

WHEREAS, the City of Everett completed its 10 year update to the Comprehensive Plan with City Council adoption on July 20, 2005, and

WHEREAS, the Growth Management Act, codified as Chapter 36.70A, allows for comprehensive plans to be amended on an annual basis, and

WHEREAS, the City of Everett initiated its 2011 – 2012 annual comprehensive plan amendment process in July, 2011, which included consideration of Comprehensive Plan Land Use Map amendments and rezone applications initiated by property owners and the Everett Planning Commission, and

WHEREAS, the Everett Planning Commission recommended approval in order to help achieve the revitalization of Evergreen Way generally, and

WHEREAS, in order to carry out the recommended changes the comprehensive plan map needs to be amended from 1.6 (Multiple Family) to 4.4 (Mixed Use Commercial), Exhibit A with a rezone from R-3 (Multiple Family) to E-1 Mixed Use Overlay (Evergreen Way) zone, Exhibit B;

WHEREAS, the Planning Commission held a public hearing on the matter on March 6, 2012, at which time it heard from the public and staff, and considered the various aspects of the recommendation before recommending approval; and

WHEREAS, THE CITY COUNCIL FINDS:

1. The purpose for the requested Comprehensive Plan land use map amendment and rezone is to make allowed use of the property consistent with the designated E-1 Mixed Use Overlay zone that will follow in this location.
2. This change will provide the opportunity for redevelopment consistent with the standards of the E-1 MUO zone, and minimize impacts on the residential properties to the north and west.

3. To achieve the proposed land use policy and zone the City needs to amend the Comprehensive Plan map designation from 1.6 (Multiple Family) to 4.4 (Mixed Use Commercial), Exhibit A and to Rezone the property from R-3 (Multiple Family) to E-1 MUO (Evergreen Way- Mixed Use Overlay) zone, as depicted in Exhibit B.
4. The proposed change meets Policy 2.1.2. Promote increased densities and alternative housing types and assure that multiple family developments integrate with and enhance the neighborhoods in which they are permitted. This policy excerpt addresses what was done recently along Evergreen Way as part of the revitalization of the corridor, which identified this specific parcel for inclusion in the process.
5. City regulations concerning, but not limited to; landscaping, signage, and lighting shall be used to review construction on the subject site.
6. Planning Commission held a public meeting to learn of and discuss this proposal on November 11, 2011 and held a public hearing on this proposal on March 6, 2012.
7. On March 6, 2012, Planning Commission passed Resolution 12-05, proposing adoption of this action by City Council.
8. The public health safety and welfare would be provided for by the proposal under existing development regulations of the City.
9. The proposed amendment to the land use map and rezone promotes the best long term interest of the Everett Community.

WHEREAS, CITY COUNCIL CONCLUDES:

1. Any finding above that may be construed as a conclusion is included here as such by this reference.
2. The requested action is supported by, or consistent with, the Comprehensive Plan Policy now that Evergreen Way has been rezoned, and design guidelines have been instituted, to make this property part of the greater mixed use residential corridor. (findings 2 and 4)
3. Circumstances related to the subject property and the area in which it is located have changed sufficiently since adoption of the Land Use Element to justify a change to the proposed land use designation. Specifically: the area has been made part of the of the greater mixed use residential corridor, as part of the Evergreen Way Revitalization Plan. (finding 2 and 4)
4. There are no erroneous assumptions or new information regarding this action known at the time this action was taken. (findings 1, 2, 4 and 6)
5. The change promotes a more desirable land use pattern because the use will apply the standards of the E-1 MUO zone and encourage housing as part of the redevelopment and revitalization of the Evergreen Way corridor. (findings 1, 2, 4 and 5)

6. The proposed land use designation should not be applied to other properties in the vicinity without first meeting the policies of the Comprehensive Plan on their own merit, considered separately from this action. Therefore approval of this application does not constitute a granting of special privilege. (finding 4)

7. Due to the fact that this site is vacant means it would contribute to the overall plans and desires for the new E-1 MUO zone, which includes requirements to minimize impacts on other properties, which in turn will help assure compatibility with surrounding uses. (findings 1, 2 and 4)

8. The change of the land use designation will not pressure other properties in the vicinity to do the same, at least not as a result of this specific action. (finding 2)

9. The proposal is to amend the Comprehensive Plan land use map designation from 1.6 (Multiple Family) to 4.4 (Mixed Use Commercial / Multiple Family) , as depicted in Exhibit A, and to change zoning from R-3 (Multiple Family) to E-1 (Evergreen Way Mixed Use Overlay) as depicted in Exhibit B, (finding 3)

10. The public health, safety and welfare would be provided for by passage of this Ordinance. (findings 1, 2, 3, 4, 5, 6, 7, and 8)

11. This proposed Comprehensive Plan amendment and rezone promotes the best long term interest of the Everett Community. (findings 1, 2, 3, 4, 5, 6, 7 and 8)

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1: Amendment of the Land Use Map of the Comprehensive Plan

Amend the Comprehensive Plan Land Use map in the subject area, from 1.6 (Multiple Family) to 4.4 (Mixed Use Commercial), as depicted in Exhibit A, amending Ordinance No. 2021-94, as amended.

Section 2: Approval of Rezone.

Ordinance No. 1671-89, as amended (EMC 19.02.020), is hereby amended as follows: The zoning of the subject site is hereby changed from R-3 (Multiple Family) to E-1 Mixed Use Overlay (Evergreen Way) zone, as depicted in Exhibit B.

Section 3: Legal Description.

The legal description of the area affected by this action is described in Exhibit "C," which is attached hereto and incorporated herein by reference.

Any conflict between the legal description and map shall be resolved by referring to the map.

Section 4: Incorporation.

Exhibits A, B, and C are hereby made part of this approval and incorporated herein by reference.

Section 5. Validity.

Should any section, subsection, paragraph, sentence, clause or phrase set forth in this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance, or its application to any other person or situation. The City Council of the City of Everett hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 6. Purpose.

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance.

It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees.

Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees or agents.

Section 7. Pending actions.

The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending before the City or in any court.

Section 8. Corrections.

The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to the Ordinance including but not limited to, the correction of scrivener's / clerical errors, references, Ordinance numbering, section / subsection numbers and any references thereto.

Ray Stephanson, Mayor

ATTEST:

City Clerk

Passed:

Valid:

Published:

Effective Date:

Exhibit A

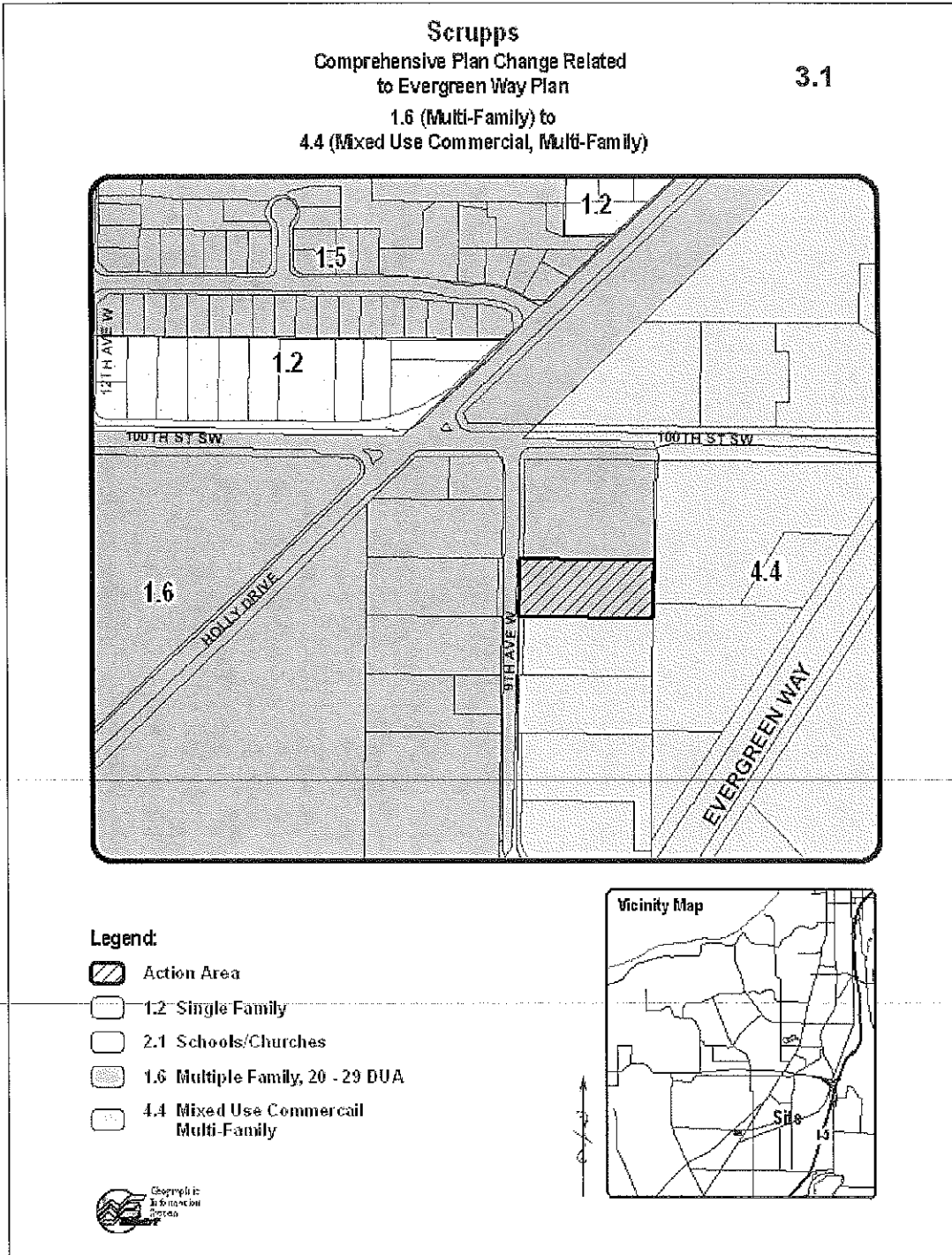
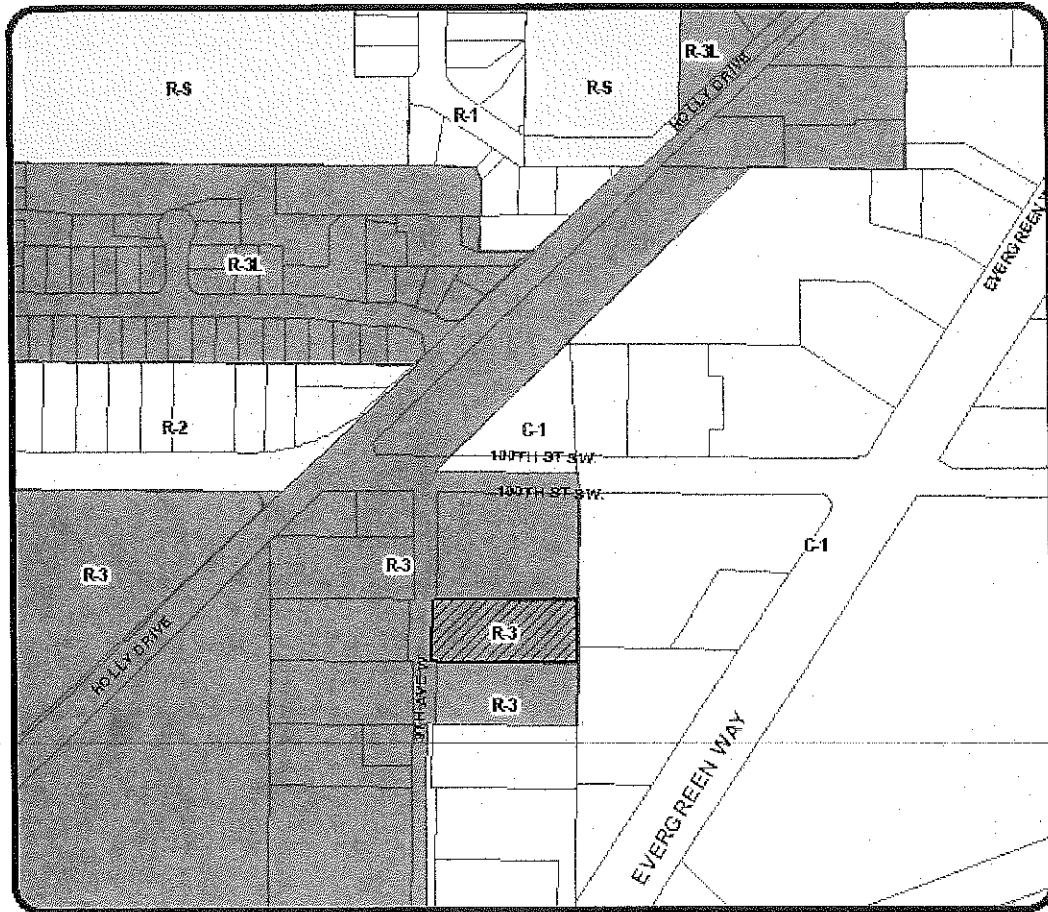







Exhibit B

Scrups Rezone Related to Evergreen Way Plan R-3 (Multiple Family) to E-1 MUO (Evergreen Mixed Use Overlay)



Legend:

-  Action Area
-  1.2 Single Family
-  2.1 Schools/Churches
-  1.6 Multiple Family, 20 - 29 DUA
-  4.4 Mixed Use Commercial Multi-Family

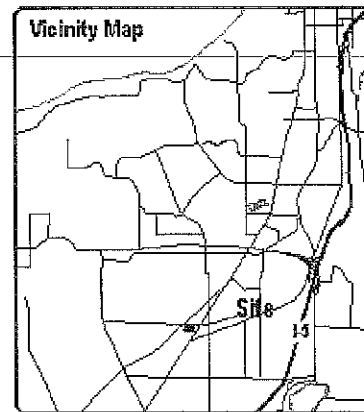


Exhibit C
Legal Description

Section 24, Range 4 East, Township 28 North NW Corner. City of Everett, OLIVIA
PARK DIV 1 BLK 000 D-00 LOT 3. Snohomish County, Washington